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7 Philip DiGirolamo

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10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 IN RE) Case No.: 10-50178
13 ANGELO DiGIROLAMO,) Adversary Proceeding No.: 10-05022
14) Chapter 7
15 Debtor.) AMENDED REQUEST FOR ENTRY OF
16 PHILIP DiGIROLAMO,) CLERK'S DEFAULT
17 Plaintiff,)
18 vs.)
19 ANGELO DiGIROLAMO,)
20 Defendant.)
21)
22)
23)
24)
25)
26)
27)
28)

AMENDED REQUEST FOR ENTRY OF CLERK'S DEFAULT

Case: 10-05022 Doc# 10 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 1 of 2

1 Plaintiff Philip DiGirolamo hereby respectfully requests the entry of a Default herein by
2 Clerk of the Court as follows:

3 1. On January 8, 2010, Angelo DiGirolamo (the "Defendant") filed a voluntary
4 petition for liquidation under chapter 7 of the Bankruptcy Code, initiating the above case.

5 2. On February 4, 2010, Plaintiff Philip DiGirolamo filed the instant Adversary
6 Proceeding.

7 3. On February 9, 2010, Plaintiff duly served the Defendant with the Complaint and
8 Summons herein.

9 4. More than 30 days have elapsed since said service, and no Answer or responsive
10 pleading has been filed with the Court or served on the Plaintiff.

11 5. The Defendant is not a minor or incompetent, as evidenced by the fact that she
12 filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code.

13 6. There is no reason to believe that the Defendant is in the military.

14 7. Counsel for Defendant has advised counsel for Plaintiff that Defendant does not
15 intend to file an answer or other responsive pleading in this Adversary Proceeding. A copy of
16 defendant's counsel's written confirmation that Defendant does not intend to file an Answer or
17 other responsive pleading in this action is attached to the Declaration of Bruce W. Blakely in
18 Support of Request for Entry of Clerk's Default, filed herewith, as Exhibit C.

19 WHEREFORE, Plaintiff prays that the Clerk make and enter the Default of Defendant
20 herein.

21 Respectfully submitted,

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23 Dated: March 23, 2010

24 /S/
25 Bruce W. Blakely
Attorney for Plaintiff and Creditor
Philip DiGirolamo

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AMENDED REQUEST FOR ENTRY OF CLERK'S DEFAULT

Case: 10-05022 Doc# 10 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 2 of 2

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10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 IN RE } Case No.: 10-50178
13 ANGELO DiGIROLAMO, } Adversary Proceeding No.: 10-05022
14 Debtor. } Chapter 7
15 } ENTRY OF DEFAULT BY CLERK
16 PHILIP DiGIROLAMO, }
17 Plaintiff, }
18 vs. }
19 ANGELO DiGIROLAMO, }
20 Defendant. }

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ENTRY OF DEFAULT BY CLERK

Case: 10-05022 Doc# 10-1 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 1 of
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1 It appearing from the records in the above-entitled action that the Adversary Complaint
2 herein was timely filed, and that a Summons has been duly served upon the defendant named
3 above, and it further appearing that the defendant has failed to plead or otherwise defend in said
4 action as directed in said Summons, and as provided in the Federal Rules of Civil Procedure:

5 Now, therefore, on the request of the Plaintiff, the DEFAULT of the following named
6 defendant is hereby entered:

7 Angelo DiGirolamo

DATED: FOR THE COURT

Gloria L. Franklin
Clerk of the Court
United States Bankruptcy Court

By: _____
Deputy Clerk

ENTRY OF DEFAULT BY CLEBK

Case: 10-05022 Doc# 10-1 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 2 of

Court's Service List

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ENTRY OF DEFAULT BY CLERK

Case: 10-05022 Doc# 10-1 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 3 of